

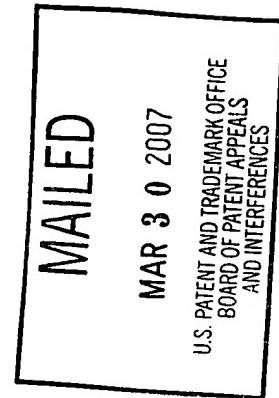
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MUKESH DALAL

Application 09/528,457
Technology Center 3600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 9, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, this application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed an Amended Appeal Brief which was received by the USPTO on March 6, 2006. The Examiner *correctly* noted in his Examiner's Answer (mailed May 19, 2006, pp. 2-3) that the content provided under the heading "**Summary of Claimed Subject Matter**" does not provide a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and each dependent claim argued separately. The Appellant

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stated in his Reply Brief (received by the USPTO on July 17, 2006) that he respectfully disagrees. (*See* Reply Brief, p. 2, 2nd full paragraph). I concur with the Examiner regarding this matter in that there is no direct correlation between the content provided in the Appeal Brief which pertains to the independent and dependent claim(s) argued separately, on appeal. *See* 37 C.F.R. § 41.37(c)(1)(v).

Further review has determined that the Examiner's Answer (mailed May 19, 2006) fails to provide a statement whether the Examiner agrees or disagrees with the statement of the grounds of rejection to be reviewed as set forth in the Appeal Brief. *See the Manual of Patent Examining Procedure (MPEP)* § 1207.02(A)(1)(6).

Correction is required with regard to the above-identified matters.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to instruct Appellant to provide a Supplemental Appeal Brief that contains the appropriate content under the heading "**Summary of Claimed Subject Matter**" in accordance with 37 C.F.R. § 41.37(c)(1)(v);
- (2) to have said Supplemental Appeal Brief made of record in the instant application;

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- (3) to issue a Corrected Examiner's Answer in accordance with *MPEP* § 1207.02(A)(1)(6); and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Pat Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

i2 TECHNOLOGIES US, INC.
ONE i2 PLACE, 11701 LUNA ROAD
DALLAS TX 75234

PJN/hh